

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

FRANKLIN KEITH KELSEY,

Plaintiff,

v.

TERESA SIMMONS,

Defendant.

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Case No.: 5:08-cv-284 (CAR)

***ORDER ON THE UNITED STATES MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION***

Before the Court is the United States Magistrate Judge's Recommendation [Doc. 83] to grant Defendant's Motion for Summary Judgment [Doc. 67], because no genuine issues of material fact exist for trial. Plaintiff filed a late Objection [Doc. 84], which raises new and non-material facts, reasserts arguments already made, and requests to reopen discovery. Nothing in the late Objection gives rise to a reasonable inference that Defendant applied excessive force. Upon review of the Recommendation and consideration of the late Objection, therefore, the Court agrees with the findings and conclusions of the United States Magistrate Judge. The Recommendation is therefore **ADOPTED** and **MADE THE ORDER OF THE COURT**. Defendant's Motion for Summary Judgment is **GRANTED**, and the case is **DISMISSED**.

SO ORDERED, this 20th day of July, 2010.

S/ C. Ashley Royal
C. ASHLEY ROYAL, JUDGE
UNITED STATES DISTRICT COURT

THC